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HOUSE BILL 287

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Raymond M. Ruiz

AN ACT

RELATING TO REGIONAL HOUSING; AMENDING THE REGIONAL HOUSING LAW
TO CHANGE THE DEFINITION OF LOW-INCOME PERSON; ALLOWING BONDS
TO BE SOLD AT NEGOTIATED SALES; CHANGING PUBLICATION
REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 11-3A-3 NMSA 1978 (being Laws 1994,
Chapter 132, Section 3, as amended) is amended to read:

"11-3A-3. DEFINITIONS.--As used in the Regional Housing
Law:

A. "authority" means any regional housing authority
or a nonprofit corporation created by an authority;

B. "bond" means any bond, note, interim
certificate, debenture or other obligation issued by an
authority pursuant to the Regional Housing Law;

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underscoring material = new
~~[bracketed material] = delete~~

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1 C. "federal government" includes the United States
2 of America, programs of the United States department of housing
3 and urban development, the farmers home administration and
4 rural development administration of the United States
5 department of agriculture or housing programs or any other
6 agency or instrumentality, corporate or otherwise, of the
7 United States of America;

8 D. "housing project" means an undertaking of an
9 authority to:

10 (1) demolish, clear or remove buildings from
11 any slum area. The undertaking may embrace the adaptation of
12 the area to public purposes, including parks or other
13 recreational or community purposes; or

14 (2) provide decent, safe and sanitary
15 dwellings, apartments, single-family dwellings or other living
16 accommodations for [~~persons of~~] low-income persons. The
17 undertaking may include buildings, land, equipment, facilities
18 and other real or personal property for necessary, convenient
19 or desirable appurtenances, streets, sewers, water service,
20 parks, site preparation or gardening or administrative,
21 community, health, recreational, welfare or other purposes.

22 "Housing project" also may be applied to the planning of
23 buildings and improvements, acquisition of property or existing
24 structures, demolition of existing structures, construction,
25 reconstruction, alteration and repair of improvements or

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1 buildings or any other work performed to complete housing
2 projects;

3 E. "local public body" means any county,
4 municipality, commission, district or other subdivision of the
5 state;

6 F. "low-income person" means [~~any~~]:

7 (1) an individual, couple or family [~~whose~~
8 ~~gross income does not exceed eighty percent of the resident's~~
9 ~~particular county median income and who cannot afford to pay~~
10 ~~more than thirty percent of his gross income for housing rent~~
11 ~~or mortgage payments~~] who lacks the amount of income that is
12 necessary, as determined by rule of the authority, to enable
13 that individual, couple or family, without financial
14 assistance, to live in a decent, safe and sanitary dwelling
15 without overcrowding; or

16 (2) a low-income person as defined by the
17 federal government;

18 G. "obligee" means:

19 (1) a holder of bonds issued pursuant to the
20 Regional Housing Law or a trustee for that bondholder;

21 (2) a lessor leasing to an authority property
22 used in connection with a housing project or any assignee of a
23 lessor's interest or partial interest; or

24 (3) the federal government when it is a party
25 to a contract with an authority in regard to a housing project;

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1 H. "real property" includes all lands, including
2 improvements and fixtures on the land, property of any nature
3 appurtenant to or used in connection with the land and every
4 estate, interest and right, legal or equitable, in the land,
5 including terms for years and liens by way of judgment,
6 mortgage or other instrument and the indebtedness secured by
7 the lien; and

8 I. "slum" means any area where dwellings
9 predominate, which by reason of dilapidation, overcrowding,
10 lack of ventilation, light or sanitary [~~facilitates~~] facilities
11 or any combination of these factors are detrimental to safety,
12 health or morals."

13 Section 2. Section 11-3A-15 NMSA 1978 (being Laws 1994,
14 Chapter 132, Section 15, as amended) is amended to read:

15 "11-3A-15. FORM AND SALE OF BONDS--INTEREST ON CERTAIN
16 OBLIGATIONS.--

17 A. Bonds of an authority issued pursuant to the
18 provisions of the Regional Housing Law shall be authorized by a
19 resolution of the regional authority's board. The resolution,
20 its trust indenture or the bonds to be issued shall set forth
21 with regard to the bonds the date of issuance, the date of
22 maturity, the rates of interest that the bonds will bear, the
23 denominations, the form, either coupon or registered, the
24 conversion or registration privileges, the rank or priority,
25 the manner of execution, the medium and place of repayment and

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1 the terms of redemption, with or without premiums.

2 B. Obligations issued by an authority that are true
3 loan obligations made to the farmers home administration of the
4 United States department of agriculture or the department of
5 housing and urban development may bear interest at a rate of
6 interest not exceeding par.

7 C. The bonds shall be sold at not less than par at
8 a negotiated sale or public sale. If sold at a public sale,
9 the sale shall be held after notice published once at least
10 five days prior to the sale in a newspaper having a general
11 circulation in the authority [~~and in a financial newspaper~~
12 ~~published in the city of New York, New York~~]; provided that the
13 bonds may be sold to the federal government at private sale at
14 not less than par, and, in the event fewer than all of the
15 bonds authorized in connection with any housing project are
16 sold to the federal government, the balance of the bonds may be
17 sold at private sale at not less than par at an interest cost
18 to the authority that does not exceed the interest cost to the
19 authority of the portion of the bonds sold to the federal
20 government.

21 D. If an officer of an authority or any of its
22 instrumentalities whose signature appears on bonds issued
23 pursuant to the Regional Housing Law ceases to hold that office
24 before the delivery of the bonds, the signature shall,
25 nevertheless, be valid and sufficient for all purposes the same

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1 as if the officer had remained in office until delivery. Any
2 provision of any law to the contrary notwithstanding, any bonds
3 issued pursuant to the Regional Housing Law shall be fully
4 negotiable.

5 E. In any suit, action or proceedings involving the
6 validity or enforceability of any bond of an authority or the
7 security for the bonds, any bond reciting in substance that it
8 has been issued by the authority to aid in financing a housing
9 project to provide dwelling accommodations for ~~[persons of]~~
10 low-income persons shall be conclusively deemed to have been
11 issued for a housing project of that character, and the housing
12 project shall be conclusively deemed to have been planned,
13 located and constructed in accordance with the purposes and
14 provisions of the Regional Housing Law."